

FILING A SMALL CLAIMS MONEY CASE CHECKLIST – MILWAUKEE COUNTY

1. **Decide if Milwaukee County is the proper county to file your case.** Milwaukee County is a proper place to file your case if one or more of the following is true:
 - a. The claim arose in Milwaukee County
 - b. The property that is the subject of your claim is located in Milwaukee County
 - c. The defendant (the person you are suing) lives or does business in Milwaukee County
2. *Are you seeking a waiver of the filing/service fees?* If so, obtain **page 2 of the Small Claims Complaint** AND an **Affidavit of Indigency** from a cashier in **Room 104**.
 - a. Fill both out and have a cashier notarize the Affidavit.
 - b. Take both documents to **Room 609** (Chief Judge's office). You **must** also bring with you a month's worth of pay stubs or proof of public benefits.
3. **Obtain and fill out a Small Claims Summons and Complaint.** The form is available from the cashiers in **Room 104** when you pay the filing fee (\$99.00).
 - a. If you received a fee waiver from Room 609, show the stamped waiver to the cashier and you will receive the form. You will be given a sample to show you how to fill out the form.
4. **File the Summons and Complaint.** The completed form is filed at **Window 6** in **Room 104**. The person at that window will assist you in picking out a return date (court date) and will stamp all your paperwork. You will be given back copies for service.
5. **Arrange for service.** The party you are suing must be **PERSONALLY SERVED** with the summons and complaint. You **cannot** serve that party or mail the complaint.
 - a. You can use the Milwaukee County Sheriff, located in **Room 209 of the Safety Building** (skywalk is on the first floor) (\$60 flat fee for up to three attempts) if the party you are suing is located in Milwaukee County.
 - b. If the party is located in another county, you must contact that Sheriff.
 - c. You can also hire a private process server. The Sheriff or process server will give you an Affidavit of Service after the person is served.
 - d. You **MUST** bring that to court on your return date. **All of your work in serving the papers will be wasted unless you remember to bring your PROOF OF SERVICE to the hearing.**
6. **Appear in court on the return date.** You must appear in person for your return date unless represented by an attorney. Make sure to give yourself enough time for parking and for going through security. You do not need to bring any witnesses with you, but you may want to bring documentation of your claim.
 - a. If the defendant does not appear, and you have your Affidavit of Service, you may get a judgment on that date.
 - b. If the defendant does appear, and does not admit to owing the money, you will meet with a commissioner.
 - c. If the matter is not resolved (by settlement or otherwise) in front of the commissioner, a date will be assigned for a hearing on the case.

COPIES CAN BE MADE IN ROOM G10-1.

